

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Romeo Filip, et al.,)	No. CV-13-01131-PHX-ROS
)	
Plaintiffs,)	ORDER
)	
vs.)	
)	
Nicolas Hayden, et al.,)	
)	
Defendants.)	
)	

Defendant Nicholas Hayden has moved for reconsideration of the order remanding this case to state court. (Doc. 8). It is doubtful the Court has the authority to take any further action in this case. Thus, even if the Court believed the motion should be granted, it likely could not do so. *See Seedman v. United States Dist. Court for Cent. Dist. of Cal.*, 837 F.2d 413, 414 (9th Cir. 1988) (“Once a district court certifies a remand order to state court it is divested of jurisdiction and can take no further action on the case.”). But even assuming relief were possible, it would not be appropriate here.


As explained in the prior order, the citizenship of a limited liability company (“LLC”) is determined by the citizenship of its owners or members. (Doc. 6 at 1 n.2). Despite this guidance, the Motion for Reconsideration argues Battle Foam LLC and Outlaw Miniatures LLC are citizens of Arizona because they are “incorporated” in Arizona and have their principal places of business in Arizona. (Doc. 8 at 3). Based on the rules applicable to LLCs, the state of incorporation and principal place of business do not establish the relevant

1 citizenship.¹ Thus, Defendant still has not established the presence of subject matter
2 jurisdiction.

3 Accordingly,

4 **IT IS ORDERED** the Motion for Reconsideration (**Doc. 8**) is **DENIED**.

5 DATED this 24th day of June, 2013.

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9 Roslyn O. Silver
Chief United States District Judge

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¹ Also, it is unusual to refer to LLCs as “incorporated” as that term is usually used in reference to corporations.